

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

VICTOR TURK,

Defendant.

Case No. [18-cr-00463-CRB-1](#)

**ORDER STAYING MOTION FOR
COMPASSIONATE RELEASE**

Defendant Victor Turk has filed a Renewed Motion for Compassionate Release. However, the new motion raises new issues,¹ and Mr. Turk has not exhausted his administrative remedies by making a request of the warden in connection with the new issues. See 18 U.S.C. § 3582(c)(1)(A) (allowing Defendant to bring motion in court “after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant’s behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant’s facility, whichever is earlier”); United States v. Johnson, No. 16-cr-430-CRB, 2021 WL 40281, at *1 (N.D. Cal. Jan. 5, 2021) (“[A] defendant may not circumvent the exhaustion requirements by recharacterizing a second motion asserting new facts and arguments as a mere renewal of the first motion.”). Mr. Turk represents that he submitted a new request seeking compassionate release to the warden of his facility on January 11, 2022. The Court will therefore

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¹ Mr. Turk argues otherwise in his reply brief. However, his Renewed Motion raises at least three new issues for the Court to consider.

1 STAY Mr. Turk’s motion for 30 days from January 11, 2022.

2 **IT IS SO ORDERED.**

3 Dated: January 14, 2022



4 CHARLES R. BREYER
United States District Judge

United States District Court
Northern District of California